

**IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

STATE OF KANSAS, et al.,

Plaintiffs-Appellees,

v.

No. 24-3521

UNITED STATES OF AMERICA, et al.,

Defendants-Appellants.

MOTION FOR LEAVE TO FILE OVERLENGTH REPLY

Pursuant to Rule 27 of the Federal Rules of Appellate Procedure, the federal government defendants respectfully move for leave to file a Reply In Support Of Their Emergency Motion For A Stay Pending Appeal in excess of the word limit.

1. On December 13, 2024, defendants filed an emergency motion for an administrative stay and stay pending appeal. That motion contained 5,189 words, in accordance with the word limit established in Rule 27(d)(2)(A).
2. On December 18, 2024, plaintiffs filed a response to the motion for a stay containing 6,403 words—1,203 words more than permitted by Rule 27(d)(2)(A). At the same time, plaintiffs moved for leave to file the response in excess of the word limit.
3. Defendants now seek to file a reply in excess of the word limit of Rule 27(d)(2)(C). Defendants' contemporaneously filed reply contains 3,193 words, 593 more than the rule permits. Allowing defendants these extra words will allow them to

respond to all of the arguments raised in plaintiffs' overlength response, some of which exceeded the scope of the preliminary-injunction order on appeal. Defendants' reply is less than half the length of plaintiffs' response, consistent with the scheme of Rule 27(d)(2).

4. Plaintiffs' counsel has represented that plaintiffs take no position on this motion.

CONCLUSION

For the foregoing reasons, defendants respectfully request that this Court permit defendants to file their reply in excess of the word limit.

Respectfully submitted,

MELISSA N. PATTERSON

s/ Leif Overvold
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CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limit of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 2x40 words. This motion also complies with the typeface and type-style requirements of Federal Rule of Appellate Procedure 27(d)(1)(E) because it was prepared using Word for Microsoft 365 in Garamond 14-point font, a proportionally spaced typeface.

Pursuant to Circuit Rule 28A(h)(2), I further certify that the motion has been scanned for viruses, and the motion is virus free.

s/ Leif Overvold
Leif Overvold

CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2024, I electronically filed the foregoing motion with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the appellate CM/ECF system. Service will be accomplished by the appellate CM/ECF system.

s/ Leif Overvold
Leif Overvold